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Environmental Quality Council
STATE OF MONTANA
EQ NEWS

Box 215, Capitol Station, Helena, MT 59601

Vol. 1, No. 13 Senator Elmer Flynn, Chairman

February 5, 1974 Fletcher E. Newby, Executive Director

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NEWBY NAMED TO POST WITH FISH AND GAME.

Fletcher E. Newby, executive director of the Montana Environmental Quality Council, will assume duties as deputy director of the Montana Department of Fish and Game in the near future.

In a joint EQC/Fish and Game statement issued today, Fish and Game Director Wes Woodgerd announced Newby's appointment with approval by the Fish and Game Commission. Newby replaces Keith Freseman who plans to retire soon after 25 years with the department, 11 of which he served as department deputy.

Newby, a former employee of the department of fish and game, has directed the EQC since that agencies' creation in 1971. Prior to that time, he served as district supervisor for Fish and Game at Billings.

Newby first began work with Fish and Game in 1951 as fur animal biologist at Kalispell. In 1955, he moved to Helena where he coordinated the depart-

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ment's statewide fur animal program. In 1958, Newby was named state big game manager in Helena, a post he held until his appointment as district supervisor at Billings in 1964.

Newby's educational background includes a Bachelor of Science Degree in Wildlife technology from the University of Montana, and a Master of Science in wildlife management from Washington State University at Pullman. He, his wife and their three children currently reside in Helena.

EQC TAKING APPLICATIONS FOR EXECUTIVE DIRECTOR

The Montana Environmental Quality Council has an opening for an Executive Director.

The Environmental Quality Council: The Council is composed of four senators, four representatives, four members of the general public appointed by the governor, and the governor or his representative. The purpose of the Council is to encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the state of Montana.

Description of Position: It shall be the duty and function of the Executive Director and his staff:

(a) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment;

(b) to review and appraise the various programs and activities of the state agencies in the light of the Environmental Policy Act;

(c) to develop and recommend to the governor and the legislative assembly, state policies to foster and promote the improvement of environmental quality;

(d) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(e) to document and define changes in the natural environment, including the plant and animal systems;

(f) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislative assembly requests;

(g) to analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences;

(h) to consult with, and assist legislators who are preparing environmental legislation;

(i) to review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations; and

(j) to transmit to the governor and the legislative assembly annually, and make available to the general public annually an environmental quality report concerning the state of the environment.

The Executive Director is solely responsible to the Environmental Quality Council.

Experience and Educational Requirements: Applicants must hold a degree from an accredited college or university with a major in one of the several environmental sciences and shall have at least three years of responsible experience in the field of environmental management.

Salary: The salary will depend upon qualifications and experience.

Applications: Applications for the position of Executive Director are to be made by letter, accompanied by six (6) copies of a resumé containing complete biographical details, education, experience, salary expected, and three (3) letters of recommendation. Additional references whom the Council may contact should also be listed.

The deadline for receipt of applications is FRIDAY, MARCH 8, 1974. All applications will be reviewed by a screening committee. Such applicants as are selected by the screening committee will be notified by MARCH 15 and will be expected to appear before the full Environmental Quality Council for interviews (date to be announced). Any request for additional information or copies of the Montana Environmental Policy Act shall be directed to the Environmental Quality Council offices at the address below:

ENVIRONMENTAL QUALITY COUNCIL
Box 215, Capitol Station
State Capitol Building
Helena, Montana 59601

Telephone: (406) 449-3742.

EQC POSTPONES ACTION ON MPC REQUEST FOR WAIVER.

At a February 4 evening meeting the Environmental Quality Council (EQC) postponed action on Montana Power Company's request to waive 20 days of the 30 day review time for the EIS on the aqueduct and power line for the aqueduct's pumps. The facilities would supply water to MPC's Colstrip generating plants 1 & 2 and are between Nichols and Colstrip. The EIS was filed with EQC by the Department of Natural Resources and Conservation (DNRC) on January 31, 1974. EQC action was postponed because DNRC was unable to provide EQC with a precise, factual statement detailing the nature of the emergency and the reasons the agency felt it must depart from normal procedural requirements. Such a statement is required by EQC guidelines for emergency waivers. MPC was unable to make a clear showing of emergency to either agency.

NEW ENVIRONMENTAL IMPACT STATEMENTS

Date Received	Subject	Originating Agency	
1-22-74	Hugh Finnegan subdivision #3, Gallatin Co. 42 acres.	DHES	D
1-30-74	Lakeview subdivision, Granite Co. 103 acres.	DHES	D
1-31-74	Traffic Controller, City of Helena, Mont. & Custer avenues. Project consists of installing a fully-actuated 2-phase traffic controller.	DH	N
1-31-74	Barnaby Lake Properties, Units #1 & #2 near Fortine in Lincoln Co. 140 acres.	DHES	D

New environmental impact statements (continued).

Date Received	Subject	Originating Agency	
1-31-74	Colstrip electrical generating Units 1 & 2 (water supply system proposed by two private utilities: the Montana Power Company and the Puget Sound Power and Light Company. Applicants must receive a Certificate of Environmental Compatability and Public Need, as required by the Montana Utility Siting Act of 1973. This certificate will be granted or denied by the Montana Board of Natural Resources and Conservation. The Board will consider the response to the draft EIS in arriving at a final decision on the application.	DNRC	D

D - draft statement.
EW - emergency waiver.
F - final statement.
N - negative declaration.

DHES - Dept. of Health & Environmental Sciences.
D H - Dept. of Highways.
DNRC - Dept. of Natural Resources & Conservation.

ENVIRONMENTAL RELATED BILLS

HOUSE BILLS

22 - Ainsworth - State Land Classification.

47 - Norman - Raising the strip coal mines license tax.

58 - Lockrem - An Act pertaining to assessment of agricultural lands. KILLED.

67 - R. Harper - 'Metcalf act' to establish an independent agency to be known as the office of utility consumers council to represent the consumers of the state before federal and state regulatory agencies with respect to matters pertaining to certain utilities. KILLED.

88 - Towe - The Montana Environmental Protection Act.

132 - Edland - An act known as the 'Montana Family Farm Act of 1973.' KILLED.

133 - Fagg - Act to establish a statewide system for designation and management of wild, scenic, natural and recreational waterways.

147 - Norman - Act known as the 'Realty Transfer Act'.

213 - Turman - Permitting counties to increase expenditures for the purpose of maintaining county parks.

341 - Sheldon - Concerning the division of land into lots. KILLED.

351 - Bardanouve - Providing the state highway commission with the power to regulate the height of advertising signs.

356 - Colberg - Providing a referendum to be submitted to the electors in Nov. 1973 for amending section 93-9902 and removing the provision that mining, extraction of ores, metals, or minerals owned by one person, located beneath or upon the surface of property owned by another person, is a public use in behalf of which the right of eminent domain may be exercised. KILLED.

371 - Kimble - Bikeways.

387 - Fagg - Act known as the 'manufactured building act of 1973' establishing a building code council. KILLED.

424 - Sheldon - Amendments to require, subject to public review, the creation of county planning boards.

439 - Baucus - Creating the office of Montana ombudsman to provide representation of citizen problems before state agencies. KILLED.

448 - Fagg - To establish livestock in feed lots as a new class for the purpose of property taxation.

460 - Cox - Act to create revenue from the levy of a severance tax on coal for the purpose of support of county government, the department of lands, the environmental quality council, and the department of natural resources, and for the development of parks and recreation.

474 - Swanberg - River and stream preservation act.

499 - R. Harper - Require furnishing of information on public utilities providing heat, power and light to the consumer counsel.

503 - Healy - Create the resource indemnity trust account in the trust and legacy fund. KILLED.

508 - Edland - Act to amend and increase the strip coal mines license tax by ten cents per ton of coal mined.

517 - Swanberg - Establishing a fee on acres to be surface mined or having been surface mined. KILLED.

527 - Towe - Providing for the imposition of an annual disturbed land fee; increasing the strip coal mines license tax.

550 - Bardanouve - Providing for the protection and enhancement of shoreland areas.

554 - Haines - Establishing a program for the control of litter within the state. KILLED.

556 - Fagg - Establishing prerequisites and procedures for municipalities to annex contiguous areas and authorizing freeholders to petition for annexation.

568 - Huennekens - Providing that there shall be access to state lands and that state lands shall be open to the general public for recreational use except in certain cases. KILLED.

576 - Bardanouve - Establishing a resource indemnity trust in the state which shall be forever inviolate and guaranteed by the state against loss or diversion.

596 - Turman - Impose a tax on certain emissions of sulfur oxides.

622 - Burnett - Provide that all fines and bonds collected under the provisions of title 26, R.C.M. 1947, shall be deposited in the general fund of the county in which the offense is committed.

623 - Galt - Eliminating the condemnation power of the Montana fish and game commission. KILLED.

627 - Kvaalen - Appropriating money to the Dept. of fish and game for participation on, and contribution to, the South Sandstone waterspreading and recreation project in Fallon County.

628 - Bradley - Acknowledge the existence of natural and potentially natural areas in the state.

632 - Lockrem - Economic impact statements.

635 - Roberts - Underground installation of power lines in new service areas.

640 - Halvorson - Protection of public water supply from pollution by livestock.

646 - Murphy - Sapphire mining moratorium.

651 - Halvorson - Capital gains tax on speculative sale of land.

652 - Brand - Transfer of Lewis and Clark Caverns State Park to Department of Highways.

679 - Yardley - Establish a policy against discrimination in clubs holding liquor licenses. KILLED.

714 - Galt - County approval for fish and game commission land acquisition.

718 - Kendall - Requiring space of 20 feet between mobile homes.

719 - Greely - Guidelines for citizen participation in operations of government agencies.

720 - Greely - Right to observe deliberations of all public bodies.

721 - Greely - Right to examine documents of all public bodies.

724 - R. Harper - Limiting non-resident big game hunting licenses to 8,000 per year.

727 - Bardanouve - Act amending the permit and compensation provisions of the outdoor advertising control law. KILLED.

728 - Watt - Recyclable milk containers. KILLED.

732 - Lien - Oil and gas drilling reclamation.

738 - Bardanouve - Act to provide for the lease terms of state lands for uses other than agriculture, grazing, timber harvest, or mineral production.

755 - Murphy - Department of agriculture study of saline seep.

795 - Sheldon - Conservation easements.

801 - Watt - Use of water for slurry.

824 - Brand - Creation of Three Forks game preserve.

835 - Schepens - Priorities of water use.

836 - Schepens - Maintainance of minimum stream flow in Yellowstone River.

841 - Bradley - Environmental education.

846 - Laas - 55 PMH speed limit.

865 - Yardley - Scenic river areas.

871 - Turman - To provide for and to regulate interim municipal zoning regulations.

875 - Huennekens - Subdivision moratorium.

877 - Marbut - Pollution abatement equipment.

882 - Sheldon - Fees for environmental impact statements.

892 - House Select Committee on Scenic Rivers - Pastoral and Scenic Rivers.

906 - Brand - An act to establish the Montana timberland taxes act.

911 - Brand - Act requiring a two year moratorium of rail service abandonment.

923 - Sheldon - Confidentiality provision of the Hard Rock Mining Act.

924 - Halvorson - Provide for the designation of floodplains and floodways; etc.

949 - Roberts - Designating the department of fish and game as the public representative in stream adjudications under the Montana water use act.

951 - Roberts - To remove the mountain lion, wolverine and cougar from the predatory animal and wild animal classification.

965 - Driscoll - Insuring that the requirements of all applicable state and federal laws be met prior to the commencement of condemnation proceedings.

969 - Fagg - Establishing the Montana outdoor recreation system and prescribing methods and policies for its authorization, acquisition, establishment and management.

989 - Menahan - To amend the noise limitation standards for snow-mobiles; etc.

992 - Fagg - Imposing additional taxes on energy consuming automobiles.

993 - Fagg - Requiring the average fuel consumption rate of each type of automobile or light truck to be determined.

994 - Fagg - Directing the department of revenue to study the feasibility of various tax incentives for energy conservation.

995 - Fagg - Prohibiting the illumination of billboards along highways as a non-essential energy use.

996 - Fagg - Requiring the adoption of rules to promote conservation and efficient use of energy in the state building code.

997 - Fagg - Fixing maximum temperatures in public buildings.

998 - Fagg - Banning the use of outdoor gas tourches, lamps and other devices used for commercial decoration or advertising purposes.

1005 - Holmes - Revising and updating the "Coal Mining Code" with both substantive and housekeeping changes.

1006 - Bardanouve - To create a state geothermal energy administration agency and council.

1009 - Bardanouve - To include the commencement of eminent domain proceedings within the meaning of "commence to construct" in the utility siting act.

1010 - Bardanouve - To include the use of geothermal of other underground resources within the definition of "utility facility"

1014 - Bradley - Extending the definition of strip mining in the Strip Mining and Reclamation Act.

1016 - Sheldon - To redefine "subdivision" to include only parcels of less than forty acres in size.

1017 - Sheldon - Redefine "subdivision" to include only parcels of less than forty acres in size to define other terms, etc.

1018 - Fagg - Prescribing policies and procedures for the selection, designation, planning and regulation of areas of critical concern.

1029 - Fagg - Restricting the authority of state and local government agencies to purchase automobiles consuming excessive gasoline.

1030 - Fagg - Authorizing the Dept. of IGR to reimburse a city up to half the operating deficit of a public transportation system, and declaring such expenditure to be for highway purposes.

1031 - Fagg - Imposing a tax on illuminated signs which varies with the intensity of the illumination.

1033 - Towe - Extending coverage to include the sale of subdivided land inside the state and to increase the size of lot covered from five acres to less than ten acres.

1037 - Seifert - To delimit the purpose of the act and limit its scope to platting and describing parcels of surveyed land.

1042 - Huennekens - The Green Belt Act.

1043 - Huennekens - To control and regulate the practice of charging fees for hunting and fishing rights.

1045 - Huennekens - Raising license fees for non-resident hunters, etc.

1046 - Baucus - Appropriating money to the department of health and environmental sciences for the regulation of sanitation in subdivisions.

1047 - Bradley - Providing the public service commission authority and the duty to encourage energy conservation through revisions of utility rate classification.

1058 - Baucus - To require the department of administration and municipalities to adopt a state building code for energy conservation.

1070 - Burnett - To modify the qualifications for determining whether land is being devoted to agricultural uses.

1076 - Towe - To authorize citizens to complain to certain state agencies about environmental degradation and, failing to receive action within one hundred eighty days, to maintain an action in court.

1101 - Schepens - Revising the list of public uses for which the right of eminent domain may be exercised.

HJR 8 - Tierney - Commending the establishment and maintenance of the Sun River Game Preserve. KILLED.

HJR 42 - Campbell - Improving rail passenger service and re-establish railway mail service.

HR 45 - Ulmer - Investigation into the feasibility and value of a multistate tax approach to coal taxation.

HJR 45 - Schepens - Groundwater resource Study.

HR 46 - Hager - Congressional study of future transportation priorities.

HJR 53 - Aageson - Recognizing the potential impact of summer weather modification on Montana's water resources, environment, agriculture industry and economy, and endorsing research efforts to better understand this technology and its impacts.

HJR 54 - Colberg - Informing the Montana congressional delegation and appropriate federal agencies that coal-based industrial demands for waters of the Yellowstone basin are increasing and that the consequences of large scale consumptive withdrawals are poorly understood and that federal support for detailed field investigations is needed and in order.

HJR 57 - Bennetts - To preserve the historical site of Marysville, Montana.

HJR 65 - Rolfe - Requesting the federal government to postpone further automobile air pollution standards; etc.

HJR 68 - Menahan - Urging more vigorous enforcement of federal policies guaranteeing the right to hunt on lands leased by the bureau of land managements.

HJR 70 - Baucus - Directing the governor to appoint a special commission to examine the economic growth in and upon Montana; etc.

HJR 73 - Brown - Calling for thorough economic analysis in environmental impact statements and directing the environmental quality council to elicit such analysis from state agencies.

SENATE BILLS

48 - Siderius - Providing for comprehensive procedures for adopting occupational safety and health standards.

56 - Manning - Relating to waiver of sovereign immunity by the state of Montana. KILLED.

112 - Klindt - Amendment to declare that the extraction of coal by strip mining or open pit mining is not a public use; and setting forth the public policy therefor.

181 - Klindt - Establish a division of recreation, parks and physical education in the department of natural resources and conservation. KILLED.

188 - Darrow - Pollution disclosure act. KILLED.

246 - Siderius - Providing for fees to be charged by all state agencies for the use of state lands devoted to recreational or campground uses. KILLED.

252 - McGowan - Providing authority to refuse to issue and to cancel mining contracts; amending the amount of reclamation bonds; and providing for an effective date. KILLED.

318 - Carl - An act creating the Montana snowmobile act of 1973. KILLED.

358 - Carl - Relating to the tax Classification of air pollution facilities. KILLED.

387 - Rosell - To limit the requirement of reclamation of lands disturbed by the taking of natural resources to public lands. KILLED.

395 - Moritz - To delete the subsection permitting the diversion of highway trust funds by a three-fifths vote of the members of each house of the legislature. KILLED.

401 - McGowan - Program for the control of soil erosion.

405 - Broeder - To adopt rules establishing minimum standards for forest practices on state and private forest lands related to reforestation.

418 - Harrison - Suspending the status of the Sun River Preserve as a game preserve until July 1, 1976.

434 - McGowan - Amendments changing some portions of the definition of 'water well'; changing the composition of the water well contractors examining board; increasing requirements for licensing as a water well contractor; and changing bonding provisions.

439 - Broeder - Providing an exemption to farm applicators with less than fifty trees and within one-eighth of a mile of his farm under Montana pesticides act. KILLED.

449 - Groff - Designation of certain lands as areas of state or regional concern and the adoption of regulations for guiding development in these areas. KILLED.

464 - Lowe - Zoning districts established pursuant to this section shall be governed and administered in accordance with provisions of other zoning and planning laws under certain specified conditions.

479 - Moore - Motorcycle noise limits.

481 - Story - Fees to be charged by the Board of Natural Resources and conservation.

490 - Northey - Possession and use of raptors by non-residents.

494 - Klindt - Establishing a division of parks and recreation within the Department of Social Rehabilitation services. KILLED.

498 - Klindt - Bikeways. KILLED.

507 - Mathers - Agricultural land shall be classified, appraised, and assessed according to its value for agricultural purposes.

517 - Story - Remove agricultural income provisions from the Greenbelt assessment law. KILLED.

528 - Keenan - Dealing with the power of the state fish and game commission to adopt and enforce rules governing recreational use of public waters.

540 - Bollinger - Provide that a water supply that serves 25 or more is a public water supply.

548 - Lynch - Importation of salmonid fish or eggs unlawful unless certified free of infectious organisms -- quarantine -- cooperation with the department of highways.

549 - Story - Special conditions on water use permits.

558 - Klindt - Amend Strip Mining and Reclamation Act by deleting the word "clay"--and inserting the word "clay" in certain sections of the open cut mining act.

559 - Klindt - Place mining of Scoria under the administrative jurisdictions of the open cut mining act.

585 - McCallum - Use of snare traps only in accordance with the fish and game regulations and deleting reference to anchors.

601 - Thiessen - Energy conservation story closing law.

610 - Boylan - Emergency Interim Zoning.

612 - Northey - Hunting license fee increase.

617 - Darrow - Amendment to Montana subdivision and platting act of 1973.

620 - Lowe - County weed control program.

625 - Darrow - Creation of department of planning and community development.

634 - McNamer - Relating to the bond required to register a foreign subdivision for sale in Montana.

640 - McGowan - Act to empower the board of land commissioners to lease geothermal resource on state lands.

650 - Harrison - An act for clarification and more efficient administration of the water use act of 1973.

658 - Darrow - Declaring a policy for the allocation of natural gas and providing for the implementation of such policy by the public service commission.

681 - Darrow - Creating "The Strip Mine Siting Act."

684 - Bertsche - Revision of laws relating to Hard Rock mining.

707 - McDonald - Montana saline-alkali correction act.

709 - McGowan - Permit the board of natural resources and conservation to waive the filing of application where utilities are being relocated.

713 - Mathers - Delete the requirement of county attorneys to enjoin wast on behalf of department of natural resources. KILLED.

722 - Story - Authorizing the Yellow[illegible]n River park system to preserve the Yellowstone River in a free-flowin state from Gardiner to Big Timber.

SJR 10 - Lowe - To revise 'environmental safeguards on activities for animal damage control on federal lands'.

SJR 42 - Story - Allenspur Dam should not be constructed.

SJR 43 - Bertsche - Range land improveme on public lands.

SJR 44 - Bertsche - Improvement reforestation on forest lands.

SJR 52 - Natural Resources Committee - Requesting the department of natural resources and conservation to recommend to the 1975 legislature for establishing a statewide program for the control of soil erosion and sediment damage.

SJR 55 - Darrow - Highway reseeding.

SJR 59 - Bollinger - Study of remuneration paid to owners of natural gas rights for their resource.

SJR 60 - Bollinger - Blue ribbon council to advise on faster development of Montana's resources while maintaining the quality of Montana's natural advantages.

728 - McGowan - An act providing for the suspension of action on certain applications for permits to appropriate surface water in the Yellowstone River Basin for three (3) years or until existing rights have been determined, whichever occurs first; making reservations established under the Montana Water Use Act preferred uses over such permits; and providing for an immediate effective data.

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